

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY- )  
AMERICAN WATER COMPANY FOR AN ADJUSTMENT ) CASE NO. 2018-00358  
OF RATES )

NOTICE OF FILING

Notice is given to all parties that the following materials have been filed into the record of this proceeding:

- The digital video recording of the evidentiary hearing conducted on January 9, 2019 in this proceeding;
- Certification of the accuracy and correctness of the digital video recording;
- A written log listing, *inter alia*, the date and time of where each witness' testimony begins and ends on the digital video recording of the evidentiary hearing conducted on January 9, 2019.

A copy of this Notice, the certification of the digital video record, and hearing log have been electronically served upon all persons listed at the end of this Notice. Parties desiring to view the digital video recording of the hearing may do so at [http://psc.ky.gov/av\\_broadcast/2018-00358/2018-00358\\_09Jan19\\_Inter.aspx](http://psc.ky.gov/av_broadcast/2018-00358/2018-00358_09Jan19_Inter.aspx).

Parties wishing an annotated digital video recording may submit a written request by electronic mail to [pscfilings@ky.gov](mailto:pscfilings@ky.gov). A minimal fee will be assessed for a copy of this recording.

Done at Frankfort, Kentucky, this 7<sup>th</sup> day of February 2019.

A handwritten signature in black ink that reads "Gwen R. Pinson". The signature is written in a cursive style with a large initial 'G' and a long, sweeping underline.

---

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Public Service Commission of Kentucky

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In the Matter of:

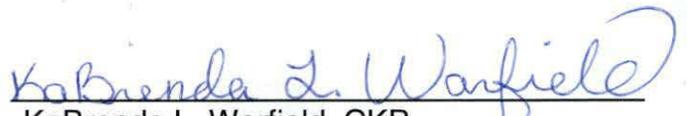
ELECTRONIC APPLICATION OF KENTUCKY-	)	CASE NO.
AMERICAN WATER COMPANY FOR AN	)	2018-00358
ADJUSTMENT OF RATES	)	

CERTIFICATION

I, KaBrenda L. Warfield, hereby certify that:

1. The attached DVD contains a digital recording of the Hearing conducted in the above-styled proceeding on January 09, 2019. Hearing Log, Exhibit List and Witness List are included with the recording on January 09, 2019.
2. I am responsible for the preparation of the digital recording;
3. The digital recording accurately and correctly depicts the Hearing of January 09, 2019
4. The Hearing Log attached to this Certificate accurately and correctly states the events that occurred at the Hearing of January 09, 2019 and the time at which each occurred.

Signed this 5<sup>th</sup> day of February, 2019.

  
KaBrenda L. Warfield, CKP  
Paralegal Consultant

  
Stephanie Schweighardt, Notary Public  
State at Large  
Commission Expires: January 14, 2023  
ID#: 614400



Judge: Bob Cicero; Talina Mathews; Michael Schmitt

Witness: James Bush

Clerk: KaBrenda Warfield

Date:	Type:	Location:	Department:
1/9/2019	Other	Hearing Room 1	Hearing Room 1 (HR 1)

Event Time	Log Event
8:33:02 AM	Session Started
8:33:06 AM	Session Paused
8:56:23 AM	Session Resumed
8:56:31 AM	Session Paused
8:59:09 AM	Chairman Schmitt Note: Fields, Angela
	Chairman stating Preliminary remarks and introduction of Vice Chairman Cicero and Commissioner Mathews.
8:59:09 AM	Session Resumed
8:59:50 AM	Chairman Schmitt Note: Fields, Angela
	At this time would counsel for the parties please rise and identify themselves for the record?
8:59:58 AM	Jim Gardner with Sturgill, Turner for LFUCG Note: Fields, Angela
	David Barberie who is in the General Counsel's office with LFUCG and our witness James Bush from LFUCG.
9:00:13 AM	Lindsey Ingram Stoll Keenon Ogden in Lexington for Kentucky-American Water
9:00:18 AM	Justin McNeil and Kent Chandler on behalf of the Attorney General's Office
9:00:24 AM	Iris Skidmore
9:01:05 AM	Chairman Schmitt Note: Fields, Angela
	And for Staff?
9:01:32 AM	Chairman Schmitt Note: Fields, Angela
	Mr. Gardner you may call your witness.
9:01:59 AM	Session Paused
9:02:00 AM	Session Resumed
9:02:05 AM	Session Paused
9:04:55 AM	Session Resumed
9:04:58 AM	Chairman Schmitt - Witness James Bush Note: Fields, Angela
	Swearing in.
9:05:08 AM	Chairman Schmitt Note: Fields, Angela
	Mr. Gardner.
9:05:10 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela
	Please state your name?
9:05:13 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela
	Mr. Bush what is your business address?
9:05:19 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela
	By whom are you employed?
9:05:24 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela
	What is your position with Urban County Government?
9:05:33 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela
	How long have you been in that position?
9:05:47 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela
	So since 2009?
9:05:53 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela
	Briefly state your general duties please?

9:06:44 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	Have you ever presented testimony before a regulating agency before?
9:06:49 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	Have you presented testimony anywhere before?
9:06:53 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	This is your first?
9:06:55 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	What is your educational background Mr. Bush?
9:07:26 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	Could you tell the Commission some of your professional affiliations please?
9:07:39 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	Did you also receive a certificate from Kentucky-American Water?
9:08:04 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	Before you came to LFUCG could you tell the Commission your work experience?
9:08:55 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	When you were working in the engery office did you also work with tariffs?
9:09:11 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	Other than attorneys such as Mr. Barberie at the LFUCG are you the point person responsible for analyzing rate cases on behalf of the city?
9:09:24 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	Approximately how many Kentucky-American Water cases have you worked on?
9:10:01 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	Is it your understanding that the LFUCG has intervned at least in Kentucky-American Water cases as of 2000 or maybe before that?
9:10:23 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	Have you also been engaged in collaboratives coming out of rate cases?
9:10:30 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	In representing the Urban County Government in those?
9:10:34 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	Could you give just a couple of examples of those collaboratives that you've been representing the city on?
9:10:57 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	Now with that background lets turn our attention to Case No. 2015-00418 which is the prior most recent Kentucky-American case before the case that we are here.
9:11:12 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	Did you help spearhead with David Barberie and the General Counsel's Office the City's response and intervention in that case?
9:11:22 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	In that case did the Urban County Government submitt two sets of Data Request to the utility?
9:11:28 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	Were you involved in the preparation and revisions of those data request?
9:11:34 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	Did you review those responses that they submitted to those Data Request?

9:11:47 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	Did the topics include such subjects as the Qualified Infrastructure Plan or QUIP?
9:12:11 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	Did the topics also include fire hydrants?
9:12:16 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	Is it your understanding that the city was the only party in that case to ask questions other than Commission Staff about fire hydrants?
9:12:28 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	Did the topics also include questions to the utility about their intent in taking over other systems and the economic impact of that to the city's customers?
9:12:43 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	Were questions asked about the franchise agreement?
9:12:54 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	Did the city jointly with the Attorney General file testimony in that case of Andrea Crain and Jay Randal Woolridge?
9:13:07 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	And did the testimony deal and I'll ask questions on these topics. Capital Structure?
9:13:15 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	Rate of return?
9:13:17 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	Calculation of rate base?
9:13:20 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	Revenue requirement?
9:13:23 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	And again qualified infrastructure plan writer?
9:13:27 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	Did you work with Mr. Barberie in the settlement discussion that ultimately lead to the settlement of that case?
9:13:40 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	Since that case concluded were you involved in a process with Kentucky-American Water, the Attorney General, and the city regarding definitions and language of tariffs?
9:14:00 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	Was that in attempt to resolve some of these language issues in their tariff so it didn't have to be brought up in this case?
9:14:15 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	And you were the point person for the city on that?
9:14:18 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	Now lets look at the curent case which is 2018-00358. First I would like to just briefly analyze the impact of that case on Lexinton.
9:14:32 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	How many classes does the city take service from?
9:14:43 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	What are those five classes?
9:14:59 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	Is that unusual in your experience that one intervenor would be taking under this many potential classes?
9:15:20 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	What has been the last couple of years approximately the annual water bill for the city?

9:15:39 AM Atty Gardner LFUCG - witness Bush  
Note: Fields, Angela Of the five million approximately what percent or how much of that is related to fire hydrants?

9:15:52 AM Atty Gardner LFUCG - witness Bush  
Note: Fields, Angela So four to five million dollars the city pays is for fire hydrants?

9:16:00 AM Atty Gardner - Witness Bush  
Note: Fields, Angela So lets look at fire hydrants for a second. If I give you these numbers can you tell me if this is right. There are approximately 7500 fire hydrants in the system that are served by Kentucky-American water? Does that sound about right?

9:16:26 AM Atty Gardner LFUCG - witness Bush  
Note: Fields, Angela How many are we billed for?

9:16:30 AM Atty Gardner LFUCG - witness Bush  
Note: Fields, Angela So the math is about 92%, does that sound right?

9:16:36 AM Atty Gardner LFUCG - witness Bush  
Note: Fields, Angela So of all the fire hydrants in their entire territory 92% of those are the City of Lexington?

9:16:49 AM Atty Gardner LFUCG - witness Bush  
Note: Fields, Angela Are fire hydrants a little bit of a unique classification in that by in large most of those vast majority maybe like 99% the rate is a fixed cost and not a volumetric cost, is that correct?

9:17:15 AM Atty Gardner LFUCG - witness Bush  
Note: Fields, Angela Do we also look at issues with the fire hydrants dealing with the right away? Because of the franchise agreement?

9:17:25 AM Atty Gardner LFUCG - witness Bush  
Note: Fields, Angela So we've talked about these different interest that the city has perdominated by the fire hydrants. In your opinion can any other entity adequately represent these diverse interest?

9:17:58 AM Atty Gardner LFUCG - witness Bush  
Note: Fields, Angela Have you calculated what the increase rate will be to the city?

9:18:23 AM Atty Gardner LFUCG - witness Bush  
Note: Fields, Angela Lets talk for just a couple of minutes about your involvement now in the current case.

9:18:29 AM Atty Gardner LFUCG - witness Bush  
Note: Fields, Angela Have you had many discussions emails, actual meetings, as the City of Lexington evaluates the impact of this case on the city and its residents?

9:18:43 AM Atty Gardner LFUCG - witness Bush  
Note: Fields, Angela How often do you have emails, or meetings? Just briefly.

9:18:59 AM Atty Gardner LFUCG - witness Bush  
Note: Fields, Angela You are aware that in the past the Attorney General and Lexington have worked together in the Kentucky-American Water cases?

9:19:08 AM Atty Gardner LFUCG - witness Bush  
Note: Fields, Angela Are you aware that Lexington is working with the Attorney General in this case?

9:19:24 AM Atty Gardner LFUCG - witness Bush  
Note: Fields, Angela And part of the reason is because a lot of the interest are similar?

9:19:31 AM Atty Gardner LFUCG - witness Bush  
Note: Fields, Angela Such as revenue requirements or rate of return?

9:19:35 AM Atty Gardner LFUCG - witness Bush  
Note: Fields, Angela But in your opinion are there certain areas that the Attorney General could not represent us on such as fire hydrants? Because that would involve a cost of service issue that we have an interest in and that affects other rate classes?

9:20:09 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	And also in the area of the water company taking over neighboring water districts is that also a particular topic or issue that the Attorney General would not be able to represent us adequately on?
9:20:33 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	Is it your understanding that it is likely that the city will sponsor testimony in this case either with the AG, or by itself, or with both?
9:20:58 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	And again its your understanding, because we were heavily involved in the fire hydrant issue that the Attorney General on the last case did not ask for a Data Request regarding fire hydrants?
9:21:19 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	So is it your understanding that the following issues will be addressed in this case just as they were in the last case? Return on equity?
9:21:30 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	Revenue requirements?
9:21:33 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	Unification of rates?
9:21:36 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	QUIP?
9:21:39 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	Fire hydrants?
9:21:42 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	Franchise agreement issues?
9:21:45 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	Do you believe that Lexington Fayette Urban County Government has an interest in rates and services of Kentucky-American Water Company?
9:22:08 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	Do you believe that the Urban County Government will develop facts with the Data Request and expert testimony that will assist the Public Service Commission in rendering its decision without unduly complicating or disrupting the case?
9:22:26 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	And do you believe that we have a speical intrest that is not otherwise represented?
9:22:31 AM	Atty Gardner LFUCG - witness Bush Note: Fields, Angela	That concludes my questions. The witness is ready for cross examination.
9:22:36 AM	Chairman Schmitt Note: Fields, Angela	Mr. Ingram do you have any questions?
9:22:39 AM	Atty Ingram Kentucky-American Water - cross witness Bush Note: Fields, Angela	Mr. Bush what do you foresee as the issue surrounding the franchise agreement that Mr. Gardner just mentioned as arising in this case?
9:23:12 AM	Atty Ingram Kentucky-American Water - cross witness Bush Note: Fields, Angela	Do you see any issues surrounding the franchise agreement in this case that are different than franchise agreement issues that LFUCG has raised in prior Kentucky-American rate cases?
9:23:25 AM	Atty Ingram Kentucky-American Water - cross witness Bush Note: Fields, Angela	No further questions your honor.
9:23:26 AM	Chairman Schmitt Note: Fields, Angela	Mr. Chandler, Mr. McNeil questions?

9:23:42 AM	Asst. Atty Gen. Chandler - cross witness Bush Note: Fields, Angela	It's your understanding that more than 90% of Kentucky-American Water's public fire hydrants are billed to Lexington Fayette Urban County Government?
9:23:55 AM	Asst. Atty Gen. Chandler - cross witness Bush Note: Fields, Angela	And of that ninety plus percent that represents approximately eighty percent of Lexington Fayette Urban County Government is Kentucky-American field?
9:24:22 AM	Asst. Atty Gen. Chandler - cross witness Bush Note: Fields, Angela	Are you aware of Kentucky-American Water's proposal in this case to provide for consolidated rates for recently aquired or expected to be aquired new municipal systems?
9:24:59 AM	Asst. Atty Gen. Chandler - cross witness Bush Note: Fields, Angela	Is it your understanding that, the consolidation of rates for newly aquired systems has been an issue that Lexington Fayette Urban County Government has addressed in previous Kentucky-American rate cases?
9:25:16 AM	Asst. Atty Gen. Chandler - cross witness Bush Note: Fields, Angela	And is that your understanding, or do you have direct knowledge of that?
9:25:31 AM	Asst. Atty Gen. Chandler - cross witness Bush Note: Fields, Angela	And would you agree that, that's a concern that would be unique to current customers?
9:26:09 AM	Asst. Atty Gen. Chandler - cross witness Bush Note: Fields, Angela	So if rates are going up for one customer, because rates are going down for another that would be an inherent conflict? Correct?
9:26:38 AM	Asst. Atty Gen. Chandler - cross witness Bush Note: Fields, Angela	That's all the questions we have Chairman.
9:26:41 AM	Chairman Schmitt Note: Fields, Angela	Mrs. Vinsel.
9:26:45 AM	Asst. Gen. Col. Vinsel PSC - cross witness Bush Note: Fields, Angela	I want to clarify the overlapping interest if you will.
9:26:56 AM	Asst. Gen. Col. Vinsel PSC - cross witness Bush Note: Fields, Angela	Looking at cosponsoring joint testimony potentially with the Attorney General. Lexington Fayette has an overlapping interest in revenue requirements, return on equity, so fourth, but has a different perspective. So that providing joint testimony addresses the issue more globally?
9:27:24 AM	Asst. Gen. Col. Vinsel PSC - cross witness Bush Note: Fields, Angela	Is that fair to say without putting words in your mouth?
9:27:54 AM	Asst. Gen. Col. Vinsel PSC - cross witness Bush Note: Fields, Angela	I have nothing further.
9:27:55 AM	Chairman Schmitt Note: Fields, Angela	Commissioner Cicero?
9:27:57 AM	Chairman Schmitt Note: Fields, Angela	Commissioner Mathews?
9:28:01 AM	Chairman Schmitt - cross witness Bush Note: Fields, Angela	During the last rate case did Lexington Fayette Urban County Government have a written agreement with respect to testimony and positions in that rate case with the Attorney General's Office?
9:28:22 AM	Chairman Schmitt - cross witness Bush Note: Fields, Angela	But you do not have a written agreement at this time?
9:28:31 AM	Chairman Schmitt - cross witness Bush Note: Fields, Angela	I'm going to ask Counsel when such agreement is developed I would like to have it filed in this case. I would like to see it.

9:29:26 AM	Chairman Schmitt - cross witness Bush Note: Fields, Angela	Mr. Bush one other thing.
9:29:58 AM	Chairman Schmitt - cross witness Bush Note: Fields, Angela	Is it your understanding that the Office of the Attorney General would be or might be antagonistic to Lexington Fayette County with respect to whether cost ought to be socialized or blended?
9:30:16 AM	Chairman Schmitt - cross witness Bush Note: Fields, Angela	Has that been their position in the past? As far as you know?
9:30:25 AM	Chairman Schmitt - cross witness Bush Note: Fields, Angela	I have no further questions.
9:30:29 AM	New Event Note: Fields, Angela	Do you want us to make any arguments on this?
9:30:39 AM	Atty Gardner LFUCG Note: Fields, Angela	Arguments.
9:32:06 AM	Chairman Schmitt Note: Fields, Angela	Response.
9:32:40 AM	Chairman Schmitt Note: Fields, Angela	I think that we need to have a executed copy of whatever agreement is between Lexington and the Attorney General's Office
9:32:48 AM	Atty Gardner LFUCG Note: Fields, Angela	If we could blank out the cost in there and one additional point.
9:34:05 AM	Chairman Schmitt Note: Fields, Angela	Anything else Mr. Ingram?
9:34:08 AM	Chairman Schmitt Note: Fields, Angela	Mr. Chandler?
9:34:09 AM	Asst. Atty Gen. Chandler Note: Fields, Angela	Arguments.
9:35:32 AM	Chairman Schmitt Note: Fields, Angela	Response.
9:36:00 AM	Chairman Schmitt Note: Fields, Angela	Mrs. Vinsel?
9:36:30 AM	Asst. Atty Gen. Chandler Note: Fields, Angela	The Attorney General has no intention on conducting discovery beyond ordinary cost of service discovery in regards to fire hydrants and franchise orders.
9:36:39 AM	Chairman Schmitt Note: Fields, Angela	Commissioner Cicero? Commisioner Mathews? I have nothing further. If there is nothing further this witness may step down.
9:36:49 AM	Chairman Schmitt Note: Fields, Angela	Do you have anything else Mr. Gardner? Anything else Mr. Ingram? Anyone?
9:36:56 AM	Asst. Atty Gen. Chandler Note: Fields, Angela	I do have one question.
9:37:08 AM	Chairman Schmitt Note: Fields, Angela	Alright if there is nothing else we will adjourn the hearing and we'll have a written order to you in a couple of days. At this time the hearing is adjourned.
9:37:23 AM	Session Ended	

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